

CHAPTER 5.05: STORMWATER AND URBAN RUNOFF POLLUTION CONTROL

Section

[5.05.005](#) Title

[5.05.010](#) Findings

[5.05.015](#) Purpose and intent

[5.05.020](#) Definitions

[5.05.025](#) Prohibited activities

[5.05.030](#) Requirements for existing properties; good housekeeping provisions

[5.05.035](#) Requirements for industrial/commercial and construction activities

[5.05.040](#) Standard Urban Stormwater Mitigation Plan (SUSMP) requirements for new development and redevelopment projects

[5.05.045](#) Enforcement

[5.05.050](#) Fees

§ 5.05.005 TITLE.

This Chapter shall be known as the “City of Culver City Stormwater Management and Discharge Control Program.”

(Ord. No. 2002-014 § 1 (part))

§ 5.05.010 FINDINGS.

A. The Federal Clean Water Act (33 U.S.C. 1251 et seq.) provides for the regulation and reduction of pollutants discharged into the waters of the United States by extending National Pollutant Discharge Elimination System (hereinafter “NPDES”)

requirements to stormwater and urban runoff discharge into municipal storm drain systems.

B. Stormwater and urban runoff flow from individual properties onto streets, then through storm drains passing through the City into La Ballona Creek.

C. The City of Culver City is a co-permittee under the “Waste Discharge Requirements for Municipal Stormwater and Urban Runoff Discharges within the County of Los Angeles,” issued by the California Regional Water Quality Control Board, Los Angeles Region (Order No. 01182), dated December 13, 2001, which also serves as a NPDES Permit under the Federal Clean Water Act (NPDES Permit No. CAS004001), as well as Waste Discharge Requirements under California law (the “Municipal NPDES Permit”), and, as a co-permittee under the Municipal NPDES Permit, the City is required to adopt ordinances and implement procedures with respect to the entry of non-stormwater discharges into the Municipal Separate Storm Sewer System (MS4).

D. Part 1, “Discharge Prohibitions,” of the Municipal NPDES Permit requires the City effectively to prohibit non-stormwater discharges into the MS4 which it owns or operates and into watercourses, except where such discharges:

1. Are covered by a separate individual or general NPDES permit for non-stormwater discharges; or

2. Fall within one of the categories below, and meet all conditions when specified by the Regional Board Executive Officer:

a. Category A - Natural flow:

(1) Natural springs and rising ground water;

(2) Flows from riparian habitats or wetlands;

(3) Stream diversions, permitted by the State Board; and

(4) Uncontaminated ground water infiltration (as defined by 40 CFR 35.2005(20)).

b. Category B - Flows from emergency fire-fighting activity.

c. Category C - Flows incidental to urban activities:

(1) Reclaimed and potable landscape irrigation runoff;

(2) Potable drinking water supply and distribution system releases (consistent with American Water Works Association guidelines for dechlorination and suspended solids reduction practices);

- (3) Drains for foundations, footings, and crawl spaces;
- (4) Air conditioning condensate;
- (5) Dechlorinated/debrominated swimming pool discharges;
- (6) Dewatering of lakes and decorative fountains;
- (7) Non-commercial car washing by residents or by non-profit organizations; and
- (8) Sidewalk rinsing.

E. Part 3, Section G.3. of the Municipal NPDES Permit requires the City to amend and adopt (if necessary), a permittee-specific stormwater and urban runoff ordinance to enforce all requirements of the Municipal NPDES Permit.

(Ord. No. 2002-014 § 1 (part))

§ 5.05.015 PURPOSE AND INTENT.

A. The purpose of this Chapter is to ensure the future health, safety and general welfare of the citizens of the City, and the water quality of La Ballona Creek, Santa Monica Bay and surrounding coastal areas by:

- 1. Reducing pollutants in stormwater discharges to the maximum extent practicable;
- 2. Regulating illicit connections and illicit discharges and thereby reducing the level of contamination of stormwater and urban runoff into the municipal stormwater system; and
- 3. Regulating non-stormwater discharges to the municipal stormwater system.

B. This Chapter also sets forth requirements for the construction and operation of certain commercial development, new development and redevelopment and other projects (as further defined herein) which are intended to ensure compliance with the Standard Urban Stormwater Mitigation Plan (SUSMP) measures prescribed in the current version of the Municipal NPDES Permit.

- 1. This Chapter authorizes the authorized enforcement officer to define and adopt applicable best management practices and other stormwater pollution control measures, to grant waivers from SUSMP requirements, as provided herein, to cite infractions and to impose fines pursuant to this Chapter.

2. Except as otherwise provided herein, the authorized enforcement officer shall administer, implement and enforce the provisions of this section.

C. The intent of this Chapter is to protect and enhance the quality of watercourses, water bodies, and wetlands within the City in a manner consistent with the Federal Clean Water Act and the NPDES Permit.

D. This Chapter also is intended to provide the City with the legal authority necessary to control discharges to and from those portions of the municipal stormwater system over which it has jurisdiction, as required by the Municipal NPDES Permit, and to hold dischargers to the municipal stormwater system accountable for their contributions of pollutants and flows.

(Ord. No. 2002-014 § 1 (part))

§ 5.05.020 DEFINITIONS.

Except as specifically provided herein, any term used in this Chapter shall be defined as that term defined in the current Municipal NPDES Permit, or, if it is not specifically defined in the Municipal NPDES Permit, then as such term is defined in the Federal Clean Water Act, as amended, and/or the regulations promulgated thereunder.

AREA SUSCEPTIBLE TO RUNOFF. Any surface directly exposed to precipitation or in the path of runoff caused by precipitation that leads off the parcel on which the surface is located.

AUTHORIZED ENFORCEMENT OFFICER. Any person designated by the City to conduct inspections and follow investigations.

AUTOMOTIVE REPAIR SHOP. A facility that is categorized in any one of the following Standard Industrial Classifications (SIC) codes 5013, 5014, 5541, 7532-7534 or 7536-7539 (as amended).

BEST MANAGEMENT PRACTICES (BMPs). Methods, measures, or practices designed and selected to reduce or eliminate the discharge of pollutants to surface waters from point and non-point source discharges including stormwater. BMPs include structural and nonstructural controls, and operation and maintenance procedures, which can be applied before, during, and/or after pollution-producing activities.

CITY. The City of Culver City.

COMMERCIAL DEVELOPMENT. Any development on private land that is not heavy industrial or residential. The category includes, but is not limited to: hospitals, laboratories and other medical facilities, educational institutions, recreational facilities, plant nurseries, multi-apartment buildings, car wash facilities, mini-malls and other

business complexes, shopping malls, hotels, office buildings, public warehouses and other light industrial complexes.

CONSTRUCTION. Constructing, clearing, grad-ing, excavating or similar efforts that result in soil disturbance. **CONSTRUCTION** includes structure teardown. It does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of facility, emergency construction activities required to immediately protect public health and safety, interior remodeling with no outside exposure of construction material or construction waste to stormwater, mechanical permit work, or sign permit work.

DEVELOPMENT. Any construction, rehabilitation, redevelopment or reconstruction of any public or private residential project (whether single-family, multi-unit or planned unit development); industrial, commercial, retail and other non-residential projects, including public agency projects, or mass grading for future construction. It does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of facility, nor does it include emergency construction activities required to immediately protect public health and safety.

DIRECTLY ADJACENT. Situated within 200 feet of the contiguous zone required for the continued maintenance, function, and structural stability of the environmentally sensitive area.

DIRECTOR. The City's Director of Public Works or the Director's representative.

DISCHARGING DIRECTLY. Outflow from a drainage conveyance system that is composed entirely or predominantly of flows from the subject property, development, subdivision, or industrial facility, and not commingled with the flows from adjacent lands.

DISCHARGE OF A POLLUTANT. Any addition of any “pollutant” or combination of pollutants to “waters of the United States” from any “point source,” or any addition of any pollutant or combination of pollutants to the waters of the “contiguous zone” or the ocean from any point source other than a vessel or other floating craft which is being used as a means of transportation. The term **DISCHARGE** includes additions of pollutants into waters of the United States from: surface runoff that is collected or channeled by man; discharges through publicly or privately owned pipes, sewers, or other conveyances that do not lead to a treatment works; and discharges through pipes, sewers, or other conveyances, leading into privately-owned treatment works.

DISTURBED AREA. An area that is altered as a result of clearing, grading, excavating or similar efforts.

ENVIRONMENTALLY SENSITIVE AREA (ESA). An area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which would be easily disturbed or degraded by

human activities and developments (California Public Resources Code § 30107.5). Areas subject to storm-water mitigation requirements are as follows: areas designated as Significant Ecological Areas by the County of Los Angeles (*Los Angeles County Significant Areas Study*, Los Angeles County Department of Regional Planning (1976) and amendments); an area designated as a Significant Natural Area by the California Department of Fish and Game's Significant Natural Areas Program, provided that area has been field-verified by the Department of Fish and Game; an area listed in the Basin Plan as supporting the “Rare, Threatened, or Endangered Species (RARE)” beneficial use; or an area identified by the City as environmentally sensitive.

GOOD HOUSEKEEPING PRACTICES. Common practices related to the storage, use, or clean up of materials, performed in a manner that minimizes the discharge of pollutants. Examples include, but are not limited to: purchasing only the quantity of materials to be used at a given time, use of alternative and less environmentally harmful products, cleaning up spills and leaks, and storing materials in a manner that will contain any leaks or spills.

GREATER THAN (>) NINE-UNIT HOME SUBDIVISION. Any subdivision being developed for ten or more single-family or multi-family dwelling units.

HILLSIDE. Property located in an area with known erosive soil conditions, where the development contemplates grading on any natural slope that is 25% or greater, and where grading contemplates cut or fill slopes.

ILLICIT CONNECTION. Any man-made conveyance that is connected to the storm drain system without a permit, excluding roof-drains and other similar type connections. Examples include channels, pipelines, conduits, inlets, or outlets that are connected directly to the storm drain system.

ILLICIT DISCHARGE. Any discharge to the storm drain system that is prohibited under local, state or federal statutes, ordinances, codes or regulations. The term **ILLICIT DISCHARGE** includes all non-stormwater discharges, except: discharges pursuant to a separate NPDES permit; discharges that are identified in Part 1, “Discharge Prohibitions,” of the Municipal NPDES Permit; and discharges authorized by the Regional Board Executive Officer.

INFILTRATION. The downward entry of water into the surface of the soil.

INSPECTION. Entry and the conduct of an on-site review of a facility and its operations, at reasonable times, to determine compliance with specific municipal or other legal requirements. The steps involved in performing an inspection include, but are not limited to:

Pre-inspection documentation research;

Request for entry;

Interview of facility personnel;

Facility walk-through;

Visual observation of the condition of facility premises;

Examination and copying of records as required;

Sample collection (if necessary or required);

Exit conference (to discuss preliminary evaluation); and

Report preparation and, if appropriate, recommendations for compliance.

LSWPPP. The Local Stormwater Pollution Prevention Plan required by the local agency for a project that disturbs one or more acre.

MATERIAL. Any substance including, but not limited to: garbage and debris, lawn clippings, leaves and other vegetation, biological and fecal waste, sediment and sludge, oil and grease, gasoline, paints, solvents, cleaners, and any fluid or solid containing chemicals.

MAXIMUM EXTENT PRACTICABLE (MEP). The standard for implementation of stormwater management programs to reduce pollutants in stormwater, including management practices, control techniques and system, design and engineering methods and such other provisions as the State determines appropriate for the control of such pollutants (State Water Resources Control Board Order WQ 2000-11, page 20).

MUNICIPAL NPDES PERMIT. The *Waste Discharge Requirements for Municipal Stormwater and Urban Runoff Discharges within the County of Los Angeles*, issued by the Regional Board, and any successor permit to that permit.

MUNICIPAL STORMWATER SYSTEM. Streets, gutters, conduits, natural or artificial drains, channels and watercourses, or other facilities that are owned, operated, maintained or controlled by the City, County of Los Angeles, State of California or other public body, and used for the purpose of collecting, storing, transporting, or disposing of stormwater.

NEW DEVELOPMENT. Land-disturbing activities, structural development, including construction or installation of a building or structure, creation of impervious surfaces and land subdivision.

NON-STORMWATER DISCHARGE. Any discharge to a storm drain that is not composed entirely of stormwater.

NPDES PERMIT. Any waste discharge requirements issued by the Regional Board or the State Water Resources Control Board as an NPDES Permit pursuant to Water Code Section 13370.

ONE HUNDRED THOUSAND SQUARE FOOT COMMERCIAL DEVELOPMENT. Any commercial development that creates at least 100,000 square feet of impermeable area, including parking areas.

PARKING LOT. Land area or a facility for the temporary parking or storage of motor vehicles used personally, for business or for commerce, with a lot size of 5,000 square feet or more, or with 25 or more parking spaces.

PLANNING PRIORITY PROJECTS. Those projects that are required to incorporate appropriate stormwater mitigation measures into the design plan for their respective project. These types of projects include:

1. Ten or more unit homes (includes single-family homes, multi-family homes, condominiums and apartments);
2. A 100,000 square feet or more of impervious surface area industrial/commercial development (one acre or more commencing March 10, 2003);
3. Automotive service facilities (SIC 5013, 5014, 5541, 7532-7534 and 7536-7539);
4. Retail gasoline outlets;
5. Restaurants (SIC 5812);
6. Parking lots with 5,000 square feet or more of surface area or with 25 or more parking spaces;
7. Redevelopment projects in subject categories that meet redevelopment thresholds;
8. Projects located in or directly adjacent to or discharging directly to an ESA, which meet thresholds; and
9. Those projects that require the implementation of a site-specific plan to mitigate post-development stormwater for new development not requiring a SUSMP, but which may potentially have adverse impacts on post-development stormwater quality, where the following project characteristics exist, are as follows:
 - a. Vehicle or equipment fueling areas;
 - b. Vehicle or equipment maintenance areas, including washing and repair;

- c. Commercial or industrial waste handling or storage;
- d. Outdoor handling or storage of hazardous materials;
- e. Outdoor manufacturing areas;
- f. Outdoor food handling or processing;
- g. Outdoor animal care, confinement, or slaughter; or
- h. Outdoor horticulture activities.

POLLUTANT. Those pollutants defined in Section 502(6) of the Federal Clean Water Act (33 U.S.C. Section 1362(6)), or incorporated into California Water Code Section 13373.

REDEVELOPMENT. On an already developed site, a land-disturbing activity that results in the creation, addition, or replacement of at least 5,000 square feet or more of impervious surface area. **REDEVELOPMENT** includes, but is not limited to: the expansion of a building footprint, the addition or replacement of a structure, the replacement of impervious surface that is not part of a routine maintenance activity, and land-disturbing activities related to structural or impervious surfaces. It does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of facility. Nor does it include emergency construction activities required to immediately protect public health and safety.

REGIONAL BOARD. The California Regional Water Quality Control Board, Los Angeles Region.

RESTAURANT. A facility that sells prepared foods and drinks for consumption, including stationary lunch counters and refreshment stands selling prepared foods and drinks for immediate consumption (SIC code 51312).

RETAIL GASOLINE OUTLET. Any facility engaged in selling gasoline and lubricating oils.

RUNOFF. Any stormwater and dry weather flow from a drainage area that reaches a receiving water body or subsurface. During dry weather it is typically comprised of base flow, either contaminated with pollutants or uncontaminated, and nuisance flows.

SIGNIFICANT REDEVELOPMENT. Land-disturbing activities that result in the creation, addition or replacement of 5,000 square feet or more of impervious surface area on an already developed site. Where redevelopment results in an alteration to 50% or more of impervious surfaces of a previously existing development, and the existing development was not subject to post-development stormwater quality control requirements, the entire project must be mitigated. Where redevelopment results in an

alteration to less than 50% of impervious surfaces of a previously existing development, and the existing development was not subject to post-development stormwater quality control requirements, only the alteration must be mitigated, not the entire development.

SOURCE CONTROL BMP. Any schedule of activities, prohibition of practices, maintenance procedures, managerial practices or operational practices that aim to prevent stormwater pollution by reducing the potential for contamination at the source of pollution.

STANDARD URBAN STORMWATER MITIGATION PLANT or ***SUSMP.*** The current version of the Standard Urban Stormwater Mitigation Plan approved by the Regional Board, including the revisions herein and the Municipal NPDES Permit that have been approved by the Executive Officer of the Regional Board for implementation to control stormwater pollution from new development and redevelopment projects.

STORM EVENT. A rainfall event that produces more than 0.1 inch of precipitation in 24 hours unless specifically stated otherwise.

STORMWATER RUNOFF. That part of precipitation (rainfall) which travels across a surface to the storm drain system or receiving waters from impervious, semi-pervious or pervious surfaces. When all other factors are equal, runoff increases as imperviousness increases.

STRUCTURAL BMP. Any structural facility designed and constructed to mitigate the adverse impacts of stormwater and urban runoff pollution. ***STRUCTURAL BMPs*** may include both treatment control BMPs and source control BMPs.

TREATMENT. The application of engineered systems that use physical, chemical, or biological processes to remove pollutants. Such processes include, but are not limited to: filtration, gravity settling, media adsorption, biodegradation, biological uptake, chemical oxidation and UV radiation.

TREATMENT CONTROL BMP. Any engineered system designed to remove pollutants by simple gravity settling of particulate pollutants, filtration, biological uptake, media adsorption or any other physical, biological or chemical process.

URBAN RUNOFF. Non-stormwater surface flow produced by residential, commercial and industrial activities involving the use of potable and non-potable water.

(Ord. 2002-014 § 1(part))

§ 5.05.025 PROHIBITED ACTIVITIES.

A. *Illicit discharges and connections.*

1. It is prohibited to establish, use, maintain, or continue illicit connections to the municipal stormwater system, or to commence or continue any illicit discharges to the municipal stormwater system.

2. This prohibition against illicit connections is expressly retroactive: it applies to connections made in the past, but excludes permitted improvements to real property over which uncontaminated stormwater runoff flows.

B. *Littering.*

1. No person shall throw, deposit, place, leave, maintain, keep, or permit to be thrown, deposited, placed, left, maintained or kept, any refuse, rubbish, garbage or any other discarded or abandoned objects, articles or accumulations, in or upon any street, alley, sidewalk, storm drain, inlet, catch basin conduit or drainage structure, business place, or upon any or private plot of land in the City, so that the same might be or become a pollutant.

2. This subsection shall not apply to refuse, rubbish or garbage deposited in containers bags or other appropriate receptacles that are placed in designated locations for regular solid waste pick up and disposal.

C. *Disposal of landscape debris.* No person shall intentionally dispose of leaves, dirt, or other landscape debris into the City's storm drain system.

D. *Industrial activities.*

1. No person shall conduct any industrial activity in the City without obtaining all permits required by state or federal law, including a NPDES General Industrial Activity Stormwater Permit when required.

2. Persons conducting industrial activities within the City shall refer to the most recent edition of the *Industrial/Commercial Best Management Practices Handbook*, produced and published by the Stormwater Quality Task Force, for specific guidance on selecting BMPs for reducing pollutants in stormwater discharges from industrial activities.

E. *Non-stormwater discharges.*

1. The following non-stormwater discharges into the municipal stormwater system are prohibited, unless in compliance with a separate NPDES permit or pursuant to a discharge exemption by the Regional Board, the Regional Board's executive officer, or the State Water Resources Control Board:

a. The discharge of wash waters when gas stations, auto repair garages, or similar facilities are cleaned;

- b. The discharge of runoff from mobile auto washing, steam cleaning, mobile carpet cleaning, and other such mobile commercial and industrial operations;
- c. Discharges from areas where repair of machinery and equipment, including motor vehicles visibly leaking oil, fluid or antifreeze, is undertaken;
- d. Discharges of runoff from areas where materials containing grease, oil or other hazardous substances (e.g., motor vehicle parts) are stored, and discharges from uncovered receptacles containing hazardous materials;
- e. The discharge of chlorinated/ brominated swimming pool water and filter backwash;
- f. Discharges of runoff from the washing of toxic materials from paved or unpaved areas;
- g. Discharges to the municipal stormwater system from washing impervious surfaces in industrial/commercial areas that results in a discharge of untreated runoff to the municipal stormwater system;
- h. Discharges from the washing out of concrete or cement-laden wash water from concrete trucks, pumps, tools and equipment;
- i. Discharges of any pesticide, fungicide or herbicide banned by the USEPA or the California Department of Pesticide Regulation;
- j. Discharge of any food or food processing wastes;
- k. Discharge of any fuel and chemical wastes, animal wastes, garbage, batteries, and other materials that have potential adverse impacts on water quality; and
- l. The disposal of hazardous wastes into trash containers that causes a direct or indirect discharge to the municipal stormwater system.

F. *Discharges in violation of the Municipal NPDES Permit.*

- 1. Any discharge that would result in or contribute to a violation of the Municipal NPDES Permit, either separately or in combination with other discharges, is prohibited.
- 2. Liability for any such discharge shall be the responsibility of the person(s) causing or responsible for the discharge, and such person(s) shall defend, indemnify and hold harmless the City from all losses, liabilities, claims, or causes of actions in any administrative or judicial action relating to such discharge.

(Ord. No. 2002-014 § 1 (part))

§ 5.05.030 REQUIREMENTS FOR EXISTING PROPERTIES; GOOD HOUSEKEEPING PROVISIONS.

Owners and occupants of property within the City shall implement BMPs to prevent or reduce the discharge of pollutants to the municipal stormwater system to the maximum extent practicable. Treatment and structural BMPs shall be properly operated and maintained to prevent the breeding of vectors. Implementation includes, but is not limited to the following:

A. *Septic waste.* No person shall leave, deposit, discharge, dump, or otherwise expose any chemical or septic waste to precipitation in an area where discharge to City streets or storm drains system may or does occur.

B. *Use of water.*

1. Runoff of water used for irrigation purposes shall be minimized to the maximum extent practicable.

2. Runoff of water from the permitted washing down of paved areas shall be minimized to the maximum extent practicable.

3. Sweeping and collection of debris is encouraged for trash disposal.

C. *Storage of materials, machinery, and equipment.* Machinery or equipment that is to be repaired or maintained in areas susceptible to or exposed to stormwater, shall be placed in a manner so that pollutants are not discharged to the municipal stormwater system.

D. *Removal and disposal of debris and residue and other materials.*

1. Non-residential motor vehicle parking lots with more than 25 parking spaces that generate runoff shall be swept regularly or other equally effective measures will be utilized to remove debris from such parking lots.

2. Food wastes generated by non-residential food service and food distribution sources shall be disposed of in a manner so such wastes are not discharged to the municipal stormwater system.

3. BMPs shall be used in areas exposed to stormwater for the removal and lawful disposal of all fuels, chemicals, fuel and chemical wastes, animal wastes, garbage, batteries, or other materials that have potential adverse impacts on water quality.

(Ord. No. 2002-014 § 1 (part))

§ 5.05.035 REQUIREMENTS FOR INDUSTRIAL/COMMERCIAL AND CONSTRUCTION ACTIVITIES.

A. Each industrial discharger, discharger associated with construction activity, or other discharger described in any general stormwater permit addressing such discharges, as may be granted by the U.S. Environmental Protection Agency, the State Water Resources Control Board, or the Regional Board shall comply with all requirements of such permit.

1. Each discharger identified in an individual NPDES permit shall comply with and undertake all activities required by such permit.

2. Proof of compliance with any such permit may be required in a form acceptable to the Director, prior to the issuance of any grading or building permit, or any other type of permit or license issued by the City.

B. Stormwater runoff containing sediment, construction materials or other pollutants from the construction site and any adjacent staging, storage or parking areas shall be reduced to the MEP. The following requirements shall apply to all construction projects within the City and shall be required from the time of land clearing, demolition or commencement of construction until receipt of a Final Inspection or Certificate of Occupancy, whichever is the last required City approval:

1. Sediment, construction waste, trash and other pollutants from construction activities shall be reduced to the MEP.

2. Structural controls, such as sediment barriers, plastic sheeting, detention ponds, filters, berms and similar controls, shall be utilized to the MEP in order to minimize the escape of sediment and other pollutants from the site.

3. Between October 1st and April 15th of each year, all excavated soil shall be located on-site in a manner that minimizes the amount of sediment running onto the street, drainage facilities or adjacent properties. Soil piles shall be bermed or covered with plastic or similar materials until the soil is either used or removed from the site.

4. No washing of construction or other vehicles is permitted adjacent to a construction site. No water from the washing of construction vehicles or equipment on the construction site is permitted to run off the construction site and enter the municipal storm drain system.

5. Trash receptacles must be situated at convenient locations on construction sites, and must be maintained in such a manner that trash and litter does not accumulate on-site nor migrate off site.

6. Erosion from slopes and channels must be controlled through an effective use of BMPs.

C. The property owner or his/her authorized representative must certify, in a form acceptable to the Director, that BMPs to control runoff from construction activities will be implemented to the MEP prior to the issuance of any building or grading permit.

D. A LSWPPP and Wet Weather Erosion Control Plan for construction activities shall be submitted to the Director consistent with the Municipal NPDES Permit. Such plans must be reviewed and approved by the Director prior to the issuance of any building or grading permit.

(Ord. No. 2002-014 § 1 (part))

§ 5.05.040 STANDARD URBAN STORMWATER MITIGATION PLAN (SUSMP) REQUIREMENTS FOR NEW DEVELOPMENT AND REDEVELOPMENT PROJECTS.

A. *Requirement for Stormwater Mitigation Plan.* The following categories of development or redevelopment projects shall require a stormwater mitigation plan that complies with the most recent Regional Board-approved SUSMP:

1. Residential development with ten or more units (includes single-family homes, multi-family homes, condominiums and apartments);

2. Commercial/industrial development in excess of one acre of disturbed area;

3. Automotive service facilities;

4. Retail gasoline outlets;

5. Restaurants;

6. Redevelopment projects in subject categories that meet redevelopment thresholds;

7. Parking lots with a surface area of 5,000 square feet or more or with 25 or more parking spaces;

8. All projects located in or directly adjacent to or discharging directly to an ESA, where the development will:

a. Discharge stormwater and urban runoff that is likely to impact a sensitive biological species or habitat; and

b. Create 2,500 square feet or more of impervious surface area.

B. *Post-development stormwater mitigation.*

1. A site-specific plan to mitigate post-development stormwater pollution for new development and redevelopment projects not requiring a SUSMP, but which may potentially have adverse impacts on post-development stormwater quality shall be required where one or more of the following project characteristics exist:

- a. Vehicle or equipment fueling areas;
- b. Vehicle or equipment maintenance areas, including washing and repair;
- c. Commercial or industrial waste handling or storage;
- d. Outdoor handling or storage of hazardous materials;
- e. Outdoor manufacturing areas;
- f. Outdoor food handling or processing;
- g. Outdoor animal care, confinement, or slaughter; or
- h. Outdoor horticulture activities.

2. Hillside single-family home projects shall be required to do the following:

- a. Conserve natural areas;
- b. Protect slopes and channels;
- c. Provide storm drain system stenciling and signage;
- d. Divert roof runoff to vegetated areas before discharge, unless the diversion would result in slope instability; and
- e. Direct surface flow to vegetated areas before discharge, unless the diversion would result in slope instability.

C. *Numerical design criteria.* Post-construction treatment control BMPs for all priority projects must incorporate, at a minimum, either a volumetric or flow-based treatment control design standard, or both, as identified below to mitigate (infiltrate, filter or treat) stormwater runoff.

D. *Volumetric Treatment Control BMP.* The project shall comply with at least one of the following standards:

1. The 85th percentile 24-hour runoff event determined as the maximized capture stormwater volume for the area, from the formula recommended in *Urban Runoff*

Quality Management, WEF Manual of Practice No. 23/ASCE Manual of Practice No. 87, (1998); or

2. The volume of annual runoff based on unit basin storage water quality volume, to achieve 80% or more volume treatment by the method recommended in *California Stormwater Best Management Practices Handbook – Industrial /Commercial* (1993); or

3. The volume of runoff produced from a 0.75 inch storm event, prior to its discharge to a stormwater conveyance system; or

4. The volume of runoff produced from a historical-record-based reference 24-hour rainfall criterion for “treatment” (0.75-inch average for the Los Angeles County area) that achieves approximately the same reduction in pollutant loads achieved by the 85th percentile 24-hour runoff event.

E. *Flow-Based Treatment Control BMP.* The project shall comply with one or more of the following standards:

1. The flow of runoff produced from a rain event equal to at least 0.2 inches per hour intensity; or

2. The flow of runoff produced from a rain event equal to at least two times the 85th percentile hourly rainfall intensity for Los Angeles County; or

3. The flow of runoff produced from a rain event that will result in treatment of the same portion of runoff as treated using volumetric standards above.

F. *Applicability of numerical design criteria.* The numeric design criteria listed above shall apply to the following categories of projects required to design and implement post construction treatment controls to mitigate stormwater pollution:

1. Hillside single-family residential development with one acre or more of surface area;

2. Housing developments (includes single-family homes, multi-family homes, condominiums and apartments) of ten units or more;

3. A 100,000 square feet or more impervious surface area industrial/commercial development;

4. Automotive service facilities (SIC 5013, 5014, 5541, 7532-7534 and 7538-7539) with 5,000 square feet or more of surface area;

5. Retail gasoline outlets with 5,000 square feet or more of impervious surface area and with projected Average Daily Traffic (ADT) of 100 or more vehicles.

Subsurface Treatment Control BMPs that may endanger public safety (i.e., create an explosive environment) are considered not appropriate;

6. Restaurants (SIC 5812) with 5,000 square feet or more of surface area;
7. Parking lots with 5,000 square feet or more of surface area or with 25 or more parking spaces;
8. Projects located in, adjacent to, or discharging directly to an ESA that meet threshold conditions identified above; and
9. Redevelopment projects in subject categories that meet redevelopment thresholds.

G. Incorporation of SUSMP and Site-Specific Stormwater Mitigation Plans into project plans.

1. An applicant for a new development or redevelopment project shall incorporate into the applicant's project plans a stormwater mitigation plan that includes those BMPs necessary to control stormwater pollution from construction activities and facility operations, as set forth in the SUSMP or Site-Specific Stormwater Mitigation Plan applicable to the applicant's project.

2. Structural or treatment control BMPs set forth in project plans shall meet the design standards set forth in the SUSMP, the Site-Specific Stormwater Mitigation Plan and applicable numerical design criteria.

3. If an applicant has included or is required to include structural or treatment control BMPs in project plans, the applicant shall provide verification of maintenance provisions pursuant to the maintenance agreement and transfer provisions of the permit.

4. The verification shall include the applicant's signed statement, as part of its project application, accepting responsibility for all structural and treatment control BMP maintenance until such time, if any, the property is transferred.

H. Issuance of permits.

1. No permit may be issued for any new development or redevelopment project until the Director confirms that the project plans comply with the applicable stormwater mitigation and numerical design criteria requirements.

2. Where a redevelopment project results in an alteration to less than 50% of impervious surface area of a previously existing development, and the existing development was not subject to post-development stormwater quality control requirements, only the alteration must be mitigated, and not to the entire development.

3. Existing single-family structures are exempt from the redevelopment requirements.

I. *Final Inspection or Occupancy Permit.* As a condition for issuing a Final Inspection or any Occupancy Permit, whichever is applicable, for a project subject to this Chapter, the Director shall require facility operators and/or owners to construct all the stormwater pollution control BMPs and structural and/or treatment control BMPs that are shown on the approved project plans, and to submit a signed certification statement stating that the site and all structural and/or treatment control BMPs shall be maintained in compliance with the SUSMP and other applicable regulatory requirements.

J. *Transfer of properties subject to requirements for maintenance of structural and treatment control BMPs.*

1. The transfer of ownership, sale or lease of a property subject to requirements for maintenance of structural and/or treatment control BMPs shall include provisions requiring the new owner and his/her successors to:

a. Assume responsibility for maintenance of any existing structural or treatment control BMP; or

b. Replace any existing structural or treatment control BMP with new control measures or BMPs meeting the most current standards of the City and the SUSMP.

2. Such requirements shall be included in any sale, lease agreement or deed for the property. The condition of transfer shall include a provision that the new owner and his/her successors conduct routine maintenance inspections of all structural and/or treatment control BMPs to ensure they are in good working order at all times, and retain proof of inspection.

3. For residential properties where the structural and/or treatment control BMPs are located within a common area that will be maintained by a homeowner's association, language regarding the responsibility for maintenance shall be included in the project's conditions, covenants and restrictions (CC&Rs).

a. Printed educational materials will be required to accompany the first deed transfer to highlight the existence of the requirement and to provide information on: what stormwater management facilities are present, signs that maintenance is needed, and how the necessary maintenance can be performed.

b. The transfer of this information shall also be required with any subsequent sale of the property.

4. If structural and/or treatment control BMPs are located within an area proposed for dedication as an easement or fee title to the City or Redevelopment Agency, the BMPs shall remain the property and responsibility of the developer/owner until the

dedication is accepted by the City Council and recorded with the Los Angeles County Recorder's Office.

K. *California Environmental Quality Act (CEQA)*. Provisions of this section shall be complimentary to, and shall not replace, any applicable requirements for stormwater mitigation required under the CEQA.

(Ord. No. 2002-014 § 1 (part))

§ 5.05.045 ENFORCEMENT.

A. *Basis for initiation of enforcement activities*. Any condition caused or permitted by a permittee that is in violation of the following requirements may serve as the basis for enforcement actions by the City or other regulatory agency.

1. Any of the provisions of this Chapter;
2. Any failure to comply with any applicable requirement of either the SUSMP or an approved stormwater mitigation plan with respect to a property;
3. Any false certification or verification, or any failure to comply with a certification or verification provided by a project applicant or the applicant's successor in interest; or
4. Any failure to properly operate and maintain any structural and/or treatment control BMP on a property in accordance with an approved stormwater mitigation plan or the SUSMP, may be a threat to the public health, safety and welfare, and may be abated or restored by any authorized enforcement officer, and a civil or criminal action to abate, enjoin or otherwise compel the cessation of the violation of this Code or the terms of any related permit, by one of any appropriate remedy available to the City.
 - a. The determination of whether the property owner or the permittee is the responsible party may be a matter between those parties.
 - b. For enforcement purposes, either party or both parties may be held liable.
5. The cost of such abatement and restoration shall be borne by the owner of the property or the permittee, or both, and the cost thereof shall be invoiced to the applicable-parties, as provided by law or ordinance for the recovery of abatement costs.

B. *Declaration of seasonal and recurrent violations*.

1. If any violation of this Chapter constitutes a seasonal and recurrent violation, the Director shall so declare.

2. The failure of any person to take appropriate annual precautions to prevent stormwater pollution, after written notice of a determination under this paragraph, shall constitute a public nuisance and a violation of this Chapter.

C. *Inspections.* The Director may enter and inspect any private premises during any reasonable time for the purpose of verifying compliance with the terms and conditions of this Chapter. Such inspections may include, but are not limited to the following:

1. Inspecting efficiency or adequacy of construction or post-construction BMPs;
2. Inspection, sampling and testing any area runoff, soils in areas subject to runoff, and/or treatment system discharges;
3. Inspection of the integrity of all storm drain and sanitary sewer systems, including the use of smoke and dye tests and video survey of such pipes and conveyance systems;
4. Inspection of all records of the owner, contractor, developer or occupant of public or private property relating to BMP inspections conducted by the owner, contractor, developer or occupant, and obtaining copies of such records as necessary;
5. Identifying points of stormwater discharge from the premises, whether surface or subsurface, and locating any illicit connection or discharge.

D. *Concealment.* Causing, permitting, aiding, abetting, or concealing a violation of any provision of this Chapter shall constitute a violation of such provision.

E. *Administrative enforcement powers.* In addition to the other enforcement powers and remedies established by this Chapter, any authorized enforcement officer has the authority to utilize the following administrative remedies:

1. *Cease and desist orders.* When an authorized enforcement officer finds that a discharge has taken place or is likely to take place in violation of this Chapter, the officer may issue an order to cease and desist such discharge, practice or operation likely to cause such discharge, and to direct those persons not complying to:

- a. Comply with the requirement;
- b. Comply with a time schedule for compliance; and
- c. Take appropriate remedial or preventive action to prevent the violation from recurring.

2. *Notice to clean.*

a. Whenever an authorized enforcement officer finds any oil, earth, debris, grass, weeds, dead trees, tin cans, rubbish, refuse, waste or any other material of any kind, in or upon the sidewalk abutting or adjoining any parcel of land, or upon any parcel of land or grounds, which may result in pollutants entering the municipal storm drain system or a non-stormwater discharge to the storm drain system, he or she may give notice to the owner or occupant of the adjacent property to remove such oil, earth, debris, grass, weeds, dead trees, tin cans, rubbish, refuse, waste or other material, in any manner that he or she may reasonably provide.

b. The recipient of such notice shall undertake the activities as described in the notice.

3. *Permit revocation.* To the extent the City makes a provision of this Chapter or any identified BMP a condition of approval to the issuance of a permit or license, any person in violation of such condition is subject to the permit revocation procedures set forth in this Code.

F. *Remedies.*

1. Remedies under this Chapter are in addition to and do not supersede or limit any and all other remedies, civil or criminal.

2. The remedies provided for herein shall be cumulative and not exclusive.

(Ord. No. 2002-014 § 1 (part))

§ 5.05.050 FEES.

Fees to recover plan checking, inspections and other costs of this program shall be established by resolution.

(Ord. No. 2002-014 § 1 (part))